



Entered on Docket
November 29, 2006

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

In re:
USA CAPITAL FIRST TRUST DEED FUND,
LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Affects:

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

**ORDER ON MOTION TO EXCLUDE
DEBTORS FROM HAVING TO FILE
INTER-COMPANY CLAIMS
AGAINST EACH OTHER BY THE
BAR DATE, OR ALTERNATIVELY
FOR THE APPROVAL OF THE
IMMEDIATE APPOINTMENT OF
SPECIAL COUNSEL TO FILE AND
PURSUE THE INTER-COMPANY
DEBTOR CLAIMS**

Date: October 30, 2006
Time: 9:30 a.m.

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Before the Court is the Motion to Exclude Debtors From Having to File Inter-Company Claims Against Each Other by the Bar Date, or Alternatively for the Approval of the Immediate Appointment of Special Counsel for Diversified Fund and FTD Fund to File and Pursue the Inter-Company Debtor Claims (the "Motion") filed October 5, 2006 (Docket No. 1454). The Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC, Committee of Holders of Executory Contract Rights Through USA Commercial Mortgage Company, Official Committee of Unsecured Creditors, and Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC (the "Committees") filed a joint response to the Motion (Docket No. 1622), and the Debtors filed a Reply brief (Docket No. 1682). At the hearing on the Motion held October 30, 2006, appearances were made by Annette Jarvis, Esq. on behalf of the Debtors, and other appearances were noted on the record and arguments were made concerning the Motion.

The Court having reviewed and considered the Motion, the joint response to the Motion, the reply, and arguments made at the October 30, 2006 hearing, and other facts of record in these jointly administered cases, the Court having made its findings of fact and conclusions of law on the record,

THE COURT HEREBY ORDERS that the Debtors are excluded from having to file inter-company proofs of claim against each other by November 13, 2006 (the "Bar Date") and

IT IS FURTHER ORDERED that this Court will consider setting a deadline for filing inter-company Proofs of Claim at a hearing on December 19, 2006 at 10:00 a.m.

Submitted by:

Approved / Disapproved by:

RAY QUINNEY & NEBEKER P.C. and
 SCHWARTZER & MCPHERSON LAW FIRM

SARA L. KISTLER
 ACTING UNITED STATES TRUSTEE
 REGION 17

By: /s/ Lenard E. Schwartzer
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Attorneys for Debtor and Debtor-In-Possession

By: /s/ August Landis
 AUGUST B. LANDIS, ASST. U.S. TRUSTEE
 United States Department of Justice

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**ORDER GRANTING MOTION TO EXCLUDE DEBTORS FROM HAVING TO FILE
INTER-COMPANY CLAIMS AGAINST EACH OTHER BY THE BAR DATE, OR
ALTERNATIVELY FOR THE APPROVAL OF THE IMMEDIATE APPOINTMENT OF
SPECIAL COUNSEL TO FILE AND PURSUE THE INTER-COMPANY DEBTOR
CLAIMS**

Approved/Disapproved by:
LEWIS AND ROCA, LLP

Approved/Disapproved by:
GORDON & SILVER, LTD.

By: /s/ Rob Charles
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Approved/Disapproved by:
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